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MEANING OF THE ELECTIONS OF 1862,

Exchange
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SPEECH

OF

HON. S. S. COX, OF OHIO.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 15, 1862.

The House being in Committee of the Whole on the state of the Union, and having under consideration the President's Message, Mr. COX said:

Mr. CHAIRMAN: It has been a custom in all civilized countries and a part of the Constitution of all free countries, for the administration to yield to the popular will, whenever it is clearly ascertained. In England, when the Ministry is voted down, they surrender their port-folios to the Queen. Even in parliament, which is but an imperfect representative of the British people, no Minister, however popular, can withstand the sentiment of the Commons. He must resign or rule under the scorn of the nation. In 1832, even the Duke of Wellington was not "iron" enough to resist the popular cry of "Reform." In 1846, when Cobden and Bright on the hustings, Villiers in the House, and Elliott in song, raised the cry of Repeal of the Corn laws and cheap bread for the people, the landed aristocracy, who had the power, crumbled before the silent, solvent power of the popular voice. Sir Robert Peel, the greatest statesman since Chatham, bowed to the decree. The nation yet honors him for this magnanimous statesmanship. Later during the Crimean war, its gross mismanagement shown up by an untrammelled press, drove an incompetent Ministry from power, by a vote of the Commons. In Prussia, in France, and even in Austria, the sovereign and his advisers do not fail to conciliate the public mind, by some graces of obedience. But here, sir, in this boasted free country, when our great States have pronounced against this Congress, and against the emancipation and other schemes here hatched, we have mockery, defiance and persistency in wrong doing. The people have raised their voice against irresponsible arrests; this House, on its first day, votes down my resolutions, drawn in the language of every Bill of Rights in America, and refuse inquiry into these outrages upon the citizen. The people have condemned that worst relic of the worst times of French tyranny, the *lettres de cachet;* yet this House, with indecorous hurry, lash through a bill of indemnity, which is to confiscate all the rights and remedy of the outraged citizen—a bill, sir, which, if plead by a minion of power, the Courts will laugh to scorn. The people have condemned the edict of emancipation—an edict which Mr. Seward, on the 10th of March last, in a letter to Mr. Adams, declared "would reinvigorate the declining insurrection in every part of the South;" yet we have the Presidential Message, which proposes to adhere to the condemned proclamation; and in addition thereto proposes a compensated system of emancipation, running to the end of the century. The people desired the war to be continued, on one line of policy, declared by us last July a year, for the Constitution and the Union; but this contumacious assembly are determined to force it from that line, or abandon the Union.

My colleague [Mr. HUTCHINS] spoke the other day for the majority here, and gloried in that radicalism which would "reinvigorate the rebellion." I think the Irish orator had my colleague in his eye, when he spoke of the "genius of universal emancipation." He glories in being a radical because he goes to the root. I propose to tap that root for a few moments. His speech is not upon a new theme: nor is it freshly handled. Its point is its audacious disregard of the sentiment of his own State and of the North. He is wiser than the "Elders" of the Republic, whom he stigmatizes: for they found never—what he has learned from other and recent sources, that Slavery and freedom are incompatible in our system. He pretends that the real cause of the rebellion lies in this irreconcilable antagonism. He forgets that seventy-five years of our history disprove his fallacies. He urges such antagonism for military reasons; when the truth is, his party got power by

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propagating this very heresy of hate. The scheme of exterminating slavery as a war measure, is an afterthought. He claims moreover the right under the Constitution to free all the slaves, because slavery is incompatible with that clause which guarantees to each State a republican form of government. He grows wiser than the "Elders," who framed the Constitution, and who lived in Slave States when it was made. He thinks the Congress and the Executive can unmake the State governments and make new governments for the South when subjugated. He thus becomes as much of a Disunionist and traitor as Davis. My colleague reproves the President for his delusion; because he hopes for relief by compensated emancipation in 1900. In this, the daring radicalism of my colleague outstrips even that of the Administration. He favors a "Union as it will be, when slavery is eradicated," and that makes him a radical. He says radicalism goes to the root. So it does. So the Savans whom Gulliver found, employed the hog to do plowing, to save the wear and tear of honest agriculture. He would have us root out slavery or die. Indeed, in picturing our "armies penetrating the territory of the rebel States carrying with them this military order of freedom inscribed upon their banner"—would have his halting friends like the President, "dare" more; he quotes the language of Mirabeau, the revolutionist, urging no revolt—no *revolt*, by halves—no timidity, no hesitation from a sense of duty, no sacrifice of passion, no half-way indecision in treason, and he exhorts his confederates in abolition that it is better to be resolutely bad than indecisively honest! This is the language of revolution and the spirit of Satan as Milton pictures him in hell. The quotation of my colleague is felicitous; but it is a relief to know that his comrades in revolt have not the daring of Davis, the manliness of Mirabeau, or the intellect of Satan.

He indulges in comparisons between this radicalism, which he espouses, and that conservatism which is now organized under the Democratic name.

The word conservative is not the name of a party. It is an element now dominant among the people. It represents the principle of repose and strength; the idea of order and law. It defends the Constitution. It would restore the Union. When the gentleman likens it to the Israelites who hankered for the slavery of Egypt; when he says that those who prefer the Union as it was, are like the Tories of the Revolution; when he likens them to the Scribes and Pharisees, who preferred the doctrines of the elders, he perpetrates superficial nonsense. To stigmatize those who are in favor of the Union of Washington as like the Tories whom Washington fought is the silliest balderdash of a mediocre poet, whom Horace says gods, men, and booksellers despise. To liken the conservative voice just uttered at our elections to the lust of the Israelites for the fleshpots of Egypt has not the dignity of a schoolgirl's rhapsody. The simile which he drew between the Scribes and Pharisees, and those who reverence the Constitution because it is the work of the "elders," smacks of a supercilious egotism which it is not to answer. There are no such analogies between the parties of the day. No comparisons are needed to show the differences between the radicalism which uproots and destroy, and the conservatism which would guard to save. I would like to know the difference in spirit between the radicalism of secession, which contemned the constitutional majority and set up for itself on slavery principles, and the radicalism which now defies the people's will to set up for itself on anti-slavery ideas.

This radical party of the gentleman has been in power 651 days—since the 4th of March, 1861, to the present time. What is the result? I do not now ask who has caused this result; but what is our condition under the agents selected at Chicago by a sectional organization, acting with those of similar radical views in the South?

1st. A confederation of 33 States, to which appurtenant were 7 Territories, has been torn into two parts, under severed and belligerent governments.

2d. From a state of concord the people of these States have been made hostile; and one-half of the people of these States, capable under the law of bearing arms, have become consumers instead of peaceable producers of wealth.

3d. That these men, numbering perhaps two millions connected with the armies of the North and South, are costing the people at least $1,000,000 per day, which is not being replaced; for all that is spent in war is, by the laws of economy, a loss to those who spend it, as a mere pecuniary transaction, and not counting ultimate and moral results.

4th. That since this Administration came into power there has been lost to this country merely as a matter of business, not counting debt and taxes of a national or State character, at least three hundred millions in the destruction of property, interference with established business, increase in wages, spoliation of railroads, depots, produce, corn, wheat, flour, cotton, hay, crops, &c.

5th. That the debt of this country at this time if all the *liabilities* not liquidated are included, and not including the eighty millions left by the preceding Administration, amounts at this time to the sum of one thousand millions; and by the 1st of July, 1864, will, in my judgment, amount to twenty-five hundred millions. The estimates for the army alone for the next year, are $700,000,000.

6th. That we have now a system of taxation by tariff which imposes a burden on the West, to benefit manufacturing in New England, and pays indirectly sixty millions into the Treasury and into the pockets of capitalists, and mostly from the consumers, who are farmers of the West.

7th. That we have now a system of internal taxation, costing for collection some four millions extra, which might have been saved, and levying in one year $150,000,000 as interest only on a great national debt, and with an army of newly made office-holders with exorbitant salaries.

8th. That within these 651 days, a party has succeeded which proposes, by legislation and proclamation, to break down a labor system in eleven States, of four millions of negroes whose industry has been productive hitherto, worth, on or before the 4th of March, 1861, an average of $500 a piece, being in all two thousand millions of dollars; and when this capital is destroyed, the objects of this pseudo philanthrophy will remain on hand, North and South, as a mass of dependent and improvident black beings, for whose care the tax will be almost equal to the war tax, before their condition will again be fixed safely and prosperously.

9th. That within these 651 days, the rights of personal liberty, freedom from arrest without process, freedom for press and speech and the right of *habeas corpus* have been suspended and limited, and, at times, destroyed; and in the place of resurrected and promised liberty to four million blacks, we have had the prospect of a buried liberty which the past 800 years have awarded to the white Anglo-Saxon race.

10th. That for the specie currency of a few years ago, we have already in circulation millions of depreciated government promises to pay, ranging from $1,000 notes down to five cent shinplasters.

11th. That we have the promise of a bankrupt law at this session, as the wholesale result of these commercial derangements.

12th. That we have had killed in these 651 days at least 150,000 of the best youth of the country on bloody fields of battle, and nearly the same number by sickness in camps and hospitals.

13th. That by the decisions of the courts, already given as to the laws of this Congress—the legal tender and the confiscation acts—we learn that there is a general encroachment by one department of the government upon the other.

14th. That the Christian religion has been defiled by its teachers, and civilization set back a half century by the demoralization incident to these unhappy events.

This is the radicalism of my colleague. Conservatism has played the radical so far as to uproot this gigantic Upas tree, whose shade poisons the nation's life. It would cover over and refresh the exposed roots of the goodly tree, planted by the fathers, that it may grow again, and blossom and bear fruit for the children.

Is it necessary to illustrate the differences between the radicalism and conservatism now operating in our politics? I will not go back to Egypt, or Palestine, or even to the Revolution. We have in our midst subjects of comparison. The gentleman from Pennsylvania, [Mr. STEVENS,] with an intellect like a demi-god, clamoring for a Dictator, and scoffing at the Constitution—infinite in his power of mischief, might well illustrate radicalism, while the gentleman from Kentucky, with a heart as large as his intellect, would illustrate the opposite. One defends contractors, palliates peculation, and assaults investigating committees. Given the leadership here in this time of peril, he uses it to preach a *salus populi, suprema lex*, as of higher sanction than his oath to the Constitution. He deals in invective, and talks of being provoked by a constitutional opposition or a modest suggestion. He would tear down the fabric of his government to vent his spite on an institution about which he has no business. During this session he voted for the dismemberment of Virginia, and gave these radical reasons:

"*For I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding. This talk of restoring the Union as it was under the Constitution as it is, is one of the absurdities I have heard repeated until I have become sick about it.* This Union can never be restored as it was. There are many things which render such an event impossible. *This Union shall never with my consent be restored under the Constitution as it is, with slavery to be protected by it.*"

Such language would befit the Richmond Congress. He who utters it, is indeed no Conservative. Turn to another in our midst—a man of grey hairs—no counterfeit glory upon his head, but the glory of a long, useful, and patriotic career. He comes to us from his retirement in Kentucky to represent the people among whom Henry Clay lived and died, to counsel us in this our country's trial. He bids us to manifest temperance in the very torrent and tempest of this anti-slavery frenzy. His course may arouse the sneers and ire of the radical. He may be likened to the sensual Israelite, the hypocritical Pharisee, or the obsequious tory; but the people know him as one who would have saved them from the war, and who would now lead them to the land of our promise! His conservatism would not pull down. It would build up. It abounds not in empty cries of

humanity about the blacks. It would save this western world to constitutional freedom for the white, from the anarchy of the day. It looks forward to the old time, under the old flag. It fears to let loose vengeance in the form of atrocious confiscations and cruel spoliation of non-combatants and deluded fellow-countrymen. It would give laws to war. It would conserve the home, the State, the institutions of the country—the Republic! It would never heal political grudges by mercenary contracts. It would try the traitor first and confiscate afterwards. It would not confiscate without conviction. It would observe the law North to punish its breach South. It would guard the Constitution while putting down its assailants. It does not for months assasinate the character of our generals because they do not favor radical notions. It would conserve character, even while it would protect the freedom of speech and unlicensed printing. It loves and admires the Constitution, made at Independence Hall on the 17th of September, 1787, and would echo the close of Story's Commentaries; *esto perpetua!* It makes sacrifices to defend it. It votes and speaks against the worthless men who, in the name of a higher law and in the name of a military necessity, would destroy it. The difference between this conservatism and that radicalism is the difference between Hyperion and Satyr, Gabriel and Mephistophles; Democracy and Abolition! The people, thank God, though late, perceive the gulf which separates these elements of blessing and of woe.

Yet my colleague would arraign this conservatism as pro-slavery and treasonable; and with that irreverence which is not infrequent with his class, he pretends that God is upon the side of this radicalism. Why, sir, I speak it all reverently, God himself has been called by an abolition Divine, a Democrat. The appellation is true, if Democracy be the synonem of conservatism. Providence organizes and conserves. It is a part of his established order. Besides it has been said that the voice of the people is the voice of God. Surely these waiters on Providence, should heed the voice of the people, speaking from the political sinai. Amidst the thunders and lightnings and thick cloud, and the quaking of the mountain, the trumpet has sounded; and yet ye, unlike Israel, "have not sanctified yourselves, lest the Lord break forth upon ye." The trumpet voice has spoken: "We are the people who have set you in high places:

Thou shalt have no other source of power before you.

Thou shalt not make unto thee any graven image of ebony, before which to bow thyself, nor to serve it. [Laughter.]

Thou shalt not take the name of liberty, in vain; for thou shalt not be held guiltless for such sacrilege upon personal and constitutional freedom.

Remember the days of October and November, to keep them holy. [Laughter.]

Honor the Constitution and the Union, if you would have your days long in the land.

Thou shalt not kill—in vengeance and in vain.

Thou shalt not degrade the white race by such intermixtures as emancipation will bring.

Thou shalt not steal, nor suffer the money of the people to be stolen by the army of jobbers and contractors.

Thou shalt not bear false witness against thy neighbors, charging them falsely with disloyalty.

Thou shalt not covet thy neighbor's servants, neither his man servent, nor his maid servant, nor anything which is thy neighbor's; nor tax the people for their deliverance.

Will these commandments be heeded; I fear not. Too many of the other side have lost their sense of responsibility by losing their offices.

Among all my colleagues of the last Congress, upon the other side, but one remains—but one—the member from the North-west, [Mr. ASHLEY,] and he was elected by the divisions of the conservative force of the district. As with the children of Israel, the Red sea divided and his virtues enabled him to go over dry shod. [Laughter.] My colleague, [Mr. HUTCHENS,] who was so kind as to write my epitaph at the last session, picturing me as going down in a colored "sunset," had not even the approbation of his own party by a nomination. He will allow me, with tender regret, to borrow the apostrophe of the poet to Wilberforce, as suitable to his case:

> "Oh, shade of the fallen! Oh, Genius sublime!
> Great friend of the NEGRO, from Africa's clime;
> Alas! how low he lies! [Laughter.]
> Night suddenly came, and his day was done,
> His sun was set, and another sun
> Illumes the dusky skies." [Laughter.]

I doubt not, his speech at the last session in favor of the blacks settling where they pleased was the reason of his premature setting and settling. He should not complain. He was a bright light of Republicanism in the dark places of Ohio; but he must remember "that all that's bright must fade." His demise was a civil necessity. The people have said to him and his friends—all defeated, I believe, but about a dozen—"Wayward sisters! de-

part in peace." [Laughter.] Let them return to private life. It is their destiny. Their political graves are dug. Their winding sheets are prepared. Their gravestones are ready. Methinks I hear the clods fall upon their coffins at noon on the coming 4th of March. They should not complain. The earth itself must at last pass away and be rolled up like a scroll. Nature, trembling and in flames, will one day give way. Let them not complain, but bow to the decree of dissolution. None knew them, but to curse them; none named them but to damn. Properly and philogically speaking, they are here as the representatives of perdition; for they are lost to us. [Laughter.] Their loss will, however, be our gain. Their calling and election not having been made sure, they now seek, in the little span allotted them, to continue those political transgressions, for which they are condemned already. My colleague, (Mr. HUTCHINS,) has however, it seems, turned practical humanitarian since the elections. I commend him for it. He is no longer a political Mrs. Jellaby, manufacturing here, moral pocket handkerchiefs, for the pickaninnies of Hilton Head; but he has been there, observing how the young African learns to shoot in a-b-abs, and how the black brigade learns to shoot in platoons. He has, no doubt, observed what the President told the preachers: "that they eat and that was all." Perhaps he might tell us, how many thousands, under this humanitarian regime, we have already living at our national festive board, and singing the song:

> "Old Uncle Sam's the landlord—we eat and drink our fill,
> And the wisdom of the measure is—there's nothing for the bill."

The House refused us this information last session; and since then they have increased and scattered over the land, until they number hundreds of thousands; we hear of four hundred wagon loads in Mississippi; several thousand in the district of my friend from Illinois, [Mr. ALLEN,] thousands here in the District; and for their sustenance and elevation, the overburdened people are to be taxed, while the families of white soldiers clamor for food in our cities. The House this afternoon voted down the resolution of inquiry of my friend from Maryland, [Mr. CALVERT,] as to the cost of the contraband business in Carolina. I assert here that the report of the quartermaster at Beaufort, South Carolina, will show that for the month of September four general superintendants received $150 per month, and sixty-four other superintendants received $50 per month, for taking care of ninety-three negroes! This report shows $3,800 per month, being at the rate of $45,600 per annum for the care of ninety three, big and little, male and female, "free Americans of African descent." A thousand dollars per year would astonish a western farmer for such a service. But we are refused all information as to this and similar infamous abuses. But the time is near when all will be out. Why are these things hidden from the people? I think my colleague might have given us some of his observations on this head while he was in the South. The consolation for this, the Executive gives us when he tells our people that white men can go down and take the places of slaves, if they do not like having the slaves coming North to jostle and oust them from their places.

I, too, like the gentleman from Illinois, [Mr. RICHARDSON,] am anxious to support the Executive in crushing this armed sedition in the South, and will support him whenever he is upon the proper path. The elections never meant to withdraw from him the conservative support, if he had pursued the policy marked out at the extra session. But the people have condemned the chimerical scheme of compensated emancipation which he has again announced, and which my collengue defends—a scheme which the President thinks will save the enormous outlays for the war, by abolishing its cause—Slavery. How can we apply those simple Mother Goose melodies of the message, that it is not so easy to pay something as nothing, or easier to pay a large sum than a larger one—when emancipation will add to the larger sum, something larger still, by "re-invigorating the rebellion?" One important question seems never to have been considered at the White House—what if abolition does not end the war? If the fear of abolition was in part the cause of the war, will abolition stop it? If there were anything true in the motto, "like cures like"—this might be logic; but, unfortunately, like causes produce like effects. It is utterly wild to expect that the South will disband or be reconciled or be conquered by abolition; since abolition banded them in arms against us.

If the President make real the fears which led them to arm against the Government, the war will be embittered, prolonged, and made more expensive. Untold millions will be added as well for the idle purpose of turning over to the Treasury, or the Poor House, the Africans freed from their masters, as to pay for the slaves when freed.

But we are told the integrity of the Union will be assured; and the gentleman from Pennsylvania, [Mr. STEVENS,] has introduced resolutions looking to this end.

The import of his resolutions is confined to the unity and indivisibility of the Union. The second and fourth propositions are all included in the first. The second expresses the stigma which ought to be fixed on him who would violate the national integrity, which is asserted in the first; and the fourth expresses the resolve never to have that integrity broken "in two." But, sir, there is carefully omitted all expression against de-

stroying or impairing our Government as established by the Constitution, with its present departments and its present local, State, and Federal relations. Members can vote for those resolutions yet be in favor of thoroughly changing these relations. The gentleman can defend forever the unity of the United States, its territory and government, yet insidiously favor a system of centralized power. A dictatorship has already been heralded by him here; and it is not inconsistent with these resolutions. Every inch of our domain might remain under our flag, yet that flag might be made the emblem of a new and odious political system. The framers of the Constitution admonished us that if we should crush out the States, though the territory might remain, yet our liberties would be lost.

The unity of a parcel of provinces, held by a martial iron grip, or tethered by prison bounds, is not the unity of the American Constitution. In a unity like that, with the States eclipsed, how could you make a Senate, an electoral colleague, or a President? Strike out the planets, and you have no system. He is an idiot, who thinks our geography ought to be preserved at the price of our freedom. Do you want to reproduce the alliance of Ireland with England; Venetia with Austria? How will you hold it? By large armies at enormous cost? How in case of foreign war, could you preserve such a Union? Even our territories grow restive under Federal rule and clamor to be States in their non age. Such a scheme of military satrapies, menacing our northern liberty and leading to endless intrigue, it is idle and criminal to contemplate. The people will have none of it. They have thus instructed us in thunder tones, at the recent elections. They desire no other form or fact of government than such as the Constitution gives; no other flag than that which has all the stars in equal lustre, and no black, interpolated between the red, white, and blue!

Doubtless this popular will has reached the gentleman from Pennsylvania. Last session he began with a bill, which proposed by unconstitutional legislation to change the relations of local interests from State to Federal control. Now he preserves, as to that, a discreet silence in his resolutions; and only proposes a unity of territory and government. The people demand the territory as it was, the Government as it is, and no meddling with the area of the one, or the functions of the other, by any party, with any force, by any laws, or for any purpose, in the interest of any species of philanthrophy, or for the benefit of any race, red, white, or black!

But, sir, I do not complain that the gentleman has omitted in his resolutions, any expression as to preserving the rights, equality and dignity of the States under the Constitution. Who would believe that such expressions were sincere, after the vote of the gentleman on the 21st of July last for a resolution of that kind, offered by the gentleman from Kentucky, [Mr. CRITTENDEN.] The gentleman from Pennsylvania is no hypocrite. The time for pretenses has gone by. The masquerade is over. He will drag no unpleasant corpse of memory about with him. Great souls care not for consistency. The Crittenden resolutions are in the dead past with him. The State suicide doctrine is now openly avowed. The Constitutional guaranties to personal liberty and private property are set at naught. The purpose so long hinted at and indirectly attempted—to abolish slavery by Federal legislation or Executive proclamation, has become the shibboleth of a party and the avowed object of the war. It would not have done to have avowed this purpose at the beginning of the war. As has been said by the *Atlantic Monthly*, the organ of the abolition dilletante in Boston—"the opposition to the Southern secession, took its *first* form as a rally, by all parties to the defence of the Constitution, the maintenance of the Union. For any anti-slavery zeal to have attempted to divert the aroused patriotism of the land to a breach of one of its fundamentul constitutional provisions would have been treacherous and futile. The majority of our enlisted patriotic soldiers would have laid down their arms. If the leadings of Providence shall direct the thickening strife into an exterminating crusade against slavery, doubtless our patriots will wait on Providence. But we could not have started in our stern work, avowing that as an object of our own."

The war began for the holy object of national salvation, by the defence of the Constitution. The effort is now made to end it as a disgraceful crusade against slavery, betraying the patriotism of the land and mocking the hopes of mankind. It began for the noblest purpose, it will end; unless restored by the popular voice, now assuming its olden tone again, in diabolical and merciless extermination of territory, property, States, Government and Union.

It is not my purpose now to condemn or discuss the acts of the last session. The nation has passed upon them; and there is no need of resolutions or speeches to explain their action. If the gentleman thought by introducing his resolutions, that he could discover any lack of national feeling, any sympathy with this unnatural rebellion, or any desire here to have this nation changed in polity, symmetry, or geography, he was mistaken. If the President, in his message thought that his argument in favor of the physical union of these States was needed to teach the people true views or new views, he was mistaken. The meaning of the late elections is, that no separation of these States can ever be per-

mitted. The people have registered their oaths at the ballot-boxes, that no infraction of the Constitution shall be suffered. They will have unity without the aid of such counsels. They will have their ancient and written charter of liberties, in spite of all attempts to despoil them. There was no need of such resolutions; there was need of other resolutions, voted down by the other side; resolutions to stop irresponsible and arbitrary arrests; resolutions against changing the form of our government; resolutions against wholesale and expensive philanthropic experiments, which tend to destroy the moral, religious, political, and physical substance and unity of the nation.

I know the impression has been created among the weaker portion of the now weaker party, that the late elections are somehow an expression in favor of secession. If this were true, what a message of encouragement it would be to the rebellion! Those who circulate libels upon the people of the North, either cannot have the sense to perceive their effect, or are regardless of the truth. If it were true, how pitiful would be the condition of this nation. The rebels find no such encouragement in these elections. But the *Richmond Examiner* of November 21, does find in the "policy of the radical party North that which alone could have eradicated the deep rooted sentiment of Union from the Southern bosom." It does find "that the radical party have pursued a policy which has consolidated Southern sentiments and united our [their] people as one man in support of the war." Such was the belief of the people as to the effect of radicalism; and hence the result in Ohio and the Northwest. At the east let that noble champion, the governor elect of New York, speak as to the significance of the election in that State. In his speech, before the election at Brooklyn, Horatio Seymour said:

"Now, when the men of the South made the bayonet and the sword the arbiter (they elected, and not we; when they determined to settle it by blood and (not we)—the sword, so far as the present is concerned, must be the arbiter; and in our strong right arms it shall strike vigorous and true blows for the life of our country, for its institutions, and for its flag. Now let me say this to the higher law men of the North, and to the higher law men of the South, and to the whole world that looks on as witnesses to the mighty events transpiring in this country, that this Union shall never be severed; no, never. Whatever other men may say, as for the conservative people of this country and as for myself as an individual—let other men say and think what they please—as for the division of this Union, and the breaking up of that great natural alliance which is made by nature and by nature's God, I never will consent to it, no, never, as long as I have a voice to raise or a hand to fight for this our glorious land."

The Executive message as to the indivisibility of the United States and the resolutions of the gentleman, are but the feeble echo of this stalwart cry of the people: "That this Union shall never be severed—no—never. The natural alliance made by nature and nature's God, shall never be broken—never!" It was because the people feared this, that they have hurled so many of you from your seats here. The epitaph upon this Congress, which with a glad prophetic grace I had the honor to pencil for your political sepulchers at the last session, will be carved in that enduring marble which will be at once the grave of sedition and the monument of loyalty!

It has been asserted that the people have condemned this administration because there was not a vigorous prosecution of the war. The dismissal of Gen. McClellan was justified because, as it was alleged, he had not dash or movement enough to satisfy the electors of the country. Facts, in letters and despatches which are yet to transpire, will show: 1st. That this is a mere pretext; and, 2d. that there were other reasons for the dismissal. My distinguished and sagacious friend from Illinois, [Mr. RICHARDSON,] inferred that the real reason for that dismissal was, that McClellan did not agree with the emancipation and other radical schemes of the cabinet. I assert here as a fact, which I do know, and which confirms the inferences of my friend, that the President was, about the middle of July, informed distinctly of the mode by which, and the principles upon which Gen. McClellan intended the war to be conducted and the Union saved. He was advised that McClellan disapproved of any infraction of the laws of civilized and Christian warfare; that he disapproved of arbitrary arrests in places where the insurrection did not prevail; that he did not contemplate any seizure of private property for the support of the army, or for punishing and desolating the region invaded; but that he earnestly pleaded that the war should be carried on as a duel between organized armies, and not against non-combatants; that the institutions of the States should be protected; that no proclamation of freedom, incensing a servile race to indiscriminate massacre of helpless whites, and inviting the destruction of unoffending blacks, should be permitted; in fine, that wherever it was possible, the military should be subordinate to the civil authority, and the Constitution alone should be the guide and glory of heroic sacrifice!

This plan did not suit radicalism. It was not obnoxious to the President in the summer; but, somehow, it became so in the fall; and hence the General of the Potomac, suddenly became unskilled in the art of war. His science in creating and inspiring an army after Bull Run was forgotten. His grand movement and splendid fighting before Richmond were ignored. His attempt to take Richmond was belittled, although he plead, as it were for the life of the nation, for reinforcements, without which he made no

promise and had no hope of success. His superb battles in Maryland; his salvation of Washington from the blunders of Pope, or those over him, were conveniently slighted. It was pretended that he did not move fast enough after the battle of Antietam; that he was abundantly supplied, but failed to pursue the defeated enemy. Time will show who are to blame for failing to supply the army at that critical time. Such pretexts will hardly stand before the official records which will be published. At the time when McClellan was dismissed, he was moving his immense army more than ten miles a day. His cavalry was driving the enemy before them, and his infantry and artillery were pushing them back from the frowning gaps of the Blue Ridge. His movements were as fast as prudence, in such a situation, warranted.

No, sir, this removal of the general, whose genuine patriotism and skilful genius had inspired the army with enthusiasm, was a sacrifice to appease the Ebony Fetich. But he was displaced for Burnside, true; and he told his army to stand by Burnside as they had by him. And the noble Burnside had told us that McClellan was "an honest, christian-like, and conscientious man, with the soundest head and clearest military perception of any man in the United States." Fatal words! They have in them the ultimate fate of Burnside. Let us pray for his success fervently, as he, no doubt, has prayed for the presence of McClellan, during the past eventful week. But let us watch as we pray; for he too will be brought to the stone of jasper, another sacrifice to the Mumbo Jumbo of abolition.

What have we gained by McClellan's removal? Celerity of movement? A better base of operations? Nearness to Richmond? Supplies by water, and a point d'appui for gun boats? Or, suppose we conquer at Fredericksburg, will not our army at last be compelled to return to James River, as the only base from which operations can succeed against Richmond, that point from which McClellan was dragged, despite his cry of despair, which seemed almost to forebode the destruction of the Republic?

In the vicissitudes of this war the Administration will be compelled to resort to McClellan's plans and the conservative policy. Unless this be done the war will fail, and a disadvantageous peace will result, for almost any peace will be hailed as better than the war as it is now attempted to be conducted. The war must be carried on *under*, and not *over* the Constitution. When that course is resumed, the patriotic North will respond as it has before responded. The conservative members of the next Congress will demand such a return. The President will find that there will be representatives here who mean to save their institutions and rebuild the Union.

This parrot cry that these elections indicate a sympathy with the Southern rebellion has been iterated for party purposes at home. It was not manufactured for foreign consumption. It did harm abroad. Well might Mr. Seward, with more truth than is usual to diplomatic *finesse*, write a chapter to counteract the bad effect of such falsehoods. On the 10th of November last, he advised Mr. Adams at London:

"That while there may be men of doubtful political wisdom and virtue in each party, and while there may be differences of opinion between the two parties as to the measures best calculated to preserve the Union and restore its authority, yet it is not to be inferred that either party, or any considerable portion of the people of the loyal States, is disposed to accept disunion under any circumstances, or upon any terms. It is rather to be understood that the people have become so confident of the stability of the Union that partisan combinations are resuming their sway here, as they do in such cases in all free countries. In this country, especially, it is a habit not only entirely consistent with the Constitution, but even essential to its stability, to regard the Administration at any time existing as distinct and separable from the Government itself, and to canvass the proceedings of the one without the thought of disloyalty in the other."

Who is there on the opposite side who dare echo the sincere tribute of Mr. Seward to the loyal Democracy? Who of you has had the generosity to distinguish between sustaining the Government and criticizing the Administration? Who among you does the Secretary reckon of "doubtful political wisdom and virtue?" Certainly it is him who would counsel a war against slavery; for he said to Mr. Adams, on the 17th of Februnry, 1862, in speaking of the crusade against slavery:

"To proclaim the crusade is unnecessary, and it would even be inexpedient, because it would deprive us of the needful and legitimate support of the friends of the Union who are opposed to slavery, but who prefer Union without slavery to disunion with slavery.

Does France or does Great Britian want to see a social revolution here, with all its horrors, like the slave revolution in St. Domingo? Are these powers sure that the country or the world is ripe for such a revolution, so that it must certainly be successful? What, if inaugurating such a revolution, slavery, protesting against its ferocity and inhumanity, should prove the victor?

Again, on the 5th of July, 1862, he says:

"It seems as if the extreme advocates of African slavery and its most vehement opponents were acting in concert together to precipitate a servile war—the former by making the most desperate attempts to overthrow the Federal Union, the latter by demanding an edict of universal emancipation as a lawful and necessary, if not, as they say, the only legitimate way of saving the Union."

He accuses, therefore, every one who would pervert the war from its primitive and loyal purpose into an anti slavery crusade, as depriving the country of its loyal friends. He accuses all such of aiding to bring on a social revolution, like that of St. Domingo, involving all its ferocity and inhumanity. If this indictment be true who will escape condemnation? The vote the other day to sustain the proclamation will show. When the gentleman from Pennsylvania was framing his crimination against those who would propose peace on the basis of separation, which inculpates no one on this side, did he know whereof he was accused by the Premier of the Administration? The people have tried and condemned all such as are thus accused. But while those who are approved by them, never will "accept disunion under any circumstances or upon any terms;" still it is nevertheless true that these elections do indicate a profound unrest among the people, as to the continuance of this war, on the line of policy now about to be pursued. They do indicate that in the popular mind there is a hope yet alive, and efforts yet to be tried, perhaps not opportune just now, to adjust the causes of strife and bridge over this abyss, below which is surging the torrent of blood. They do approve of the President's remark that, after all our fighting, we must at last make some accommodation. The London *Times* says truly that "in the result of these elections we think we see a hope that the word 'compromise' will soon come into general use on the other side of the Atlantic." The President himself seems, in an oblique way, to have taken the hint, and in his late message writes out in plain hand, this once-honored word —Compromise.

But how shall we begin the work of compromise? What is honorable and just, under present circumstances? Is it true, as is alleged, that the Southern States, under certain circumstances, are willing to return to the Union? Is it true that the President is thus advised? I know not, but if so, what sacrifices can be made to restore the Union? Or, indeed, ought any talk of compromise to be held, while the guns of the rebellion thunder along the Rappahannock, or our navies meet with resistance down the Mississippi? Shall we wait the results of the present movements? Shall we then, in case of failure, wait still another year? Shall we talk of compromise before our debt reaches the estimate of Mr. Chase, on the 1st of June next, and towers up to $1.122,297,103 24? Or shall we wait till the year after, when it shall still mount up to $1,744,595,596 80? Or still more nearly, on the next year's day, when the Commander-in-Chief shall have declared all persons held as slaves in any State or designated part of a State then in rebellion, to be then, thenceforward, and forever free? If that grand panacea fail—shall we still wait until another million shall be added to our army; another hundred thousand to our hospitals? Another hundred thousand fresh made graves upon our soil? Another three hundred millions of loss, by destruction of public enterprises, private property, and by the wholesale derangement of the social, business, and labor systems of the land? Or will compromise be more acceptable, North and South, if possible at all, when another half-million of slaves are freed by the friction and abrasion of the war? Or will it be when slave labor is enfranchised and exported to regions where it will never add a dollar to the national treasury, or to the general wealth? Or when the four million slaves being freed by war, legislation, confiscation, or proclamation—which my colleague, [Mr. Hutchins,] thinks may cause some slight inconvenience, shall seek the North star, and by an exodus, already great and increasing shall disturb the relations of labor in the free States, until a new irrepressible conflict shall arise between white and black labor? Or shall the war go on, without effort at compromise, with no other attempt at arbitrament except the sword, until extermination results? Will you compromise with desolation and call it peace? Will you glory in the unity and indivisibility of a territory, denuded by the besom of war? When—when—Representatives, is peace honorable, and compromise just? Are these "forces" to "endure" so long as there is a cotton and rice field in Carolina, or a sugar plantation in Louisiana unscathed by war or unsettled by free labor? If the day of compromise be postponed till then, may not the Federal sceptre be a barren one in your gripe? Or may not other schemes of union, economic, political, and geographical and other ruinous projects of secession still further distract our country? These problems may well be considered by the loyal and patriotic. Let us be wise in time, before worse evils overtake and overwhelm us.

I am one of those who still cling to the hope of Union. I believe that in time the very interests of slavery will work for it. As slavery has been in most danger from secession and war, its safety will be found alone in the regenerated constitutionalism which is arising from the wreck and crush of war. Slavery has lost in the war, its political influence; its existence has been endangered by the wear and tear of conflict. Out of this nettle danger, Southern slave owners will pluck the flower "Safety." I care not if slavery be the reason for their return to their allegiance; if they return, the Union will become again militant. Slavery, instead of being the cause of rebellion, will become the cause of its overthrow. Economic laws are stronger than military satraps and forces. These laws will determine the South to return, when assured that the Con-

stitution will be preserved. Fanatics may dream away of their jubilees of black freedom; Secessionists may fight for their theories of state remedies for federal encroachments; war may bring its vicissitudes and sacrifices; but after all, the wise ordination of our ancestors and of Providence, under the Constitution, will drive even slavery back into the Union, for its own safety, or for the means, under State regulation, for its own voluntary abolition. To enthusiasts, this may seem a hateful paradox; but if it be true that the ascendancy of abolition, clouded the hope of the Union, is it not as true that the defeat the abolitionists will restore that hope? At the beginning of the war, there were but few secessionists *per se*. It was the fear that the Northern States were hopelessly abolitionized, that overcame the loyalty of the majority South, and united them against us. The very excesses of power in this Congress, its attempt to pervert the war, its aggressions on personal freedom and Constitutional right have extinguished the fire of radicalism and relit the old beacon which led us onward in unity and to prosperity! The result of the elections will assist to restore the Union. The reaction in the South will soon begin. The elements of discontent North which have helped to rescue power from arrogant and imbecile men, will work with more force in the South. Cotton has lost his sceptre. His throne is in ashes. Privateering, so truculently blazoned by Slidell, in the Senate, as the avenger of Southern wrongs, has proved itself but a toothless harpy. Foreign intervention will never be allowed North or South. The currency, trade and established order South, all deranged, are powerful levers, now prying the loosened stones into their old places. For such a work, there is a fulcrum deep in the heart of the people, which neither radicalism nor secession can wholly disturb! The very failures of both armies to make decisive victories, notwithstanding the extraordinary vigor, and splendid heroism of our soldiers in the field, and the fabulous expenditure of money and men, will assist the consummation of our hopes. We have expended, in two years, men and money enough, had we been united, to have added a dozen Indias to our conquering chariot. Money enough has been filched by corrupt contractors—treasures enough have been wasted on political favorites to have belted the globe with our flag, and added the rest of the Continent to our empire; but all has been as yet in vain; for there stood and yet stands between the people and their hope this blighting black demon of radicalism, unwise beyond all that is written in history, and powerless for everything except mischief and malevolence. Against its Satanic "pressure" brought to bear upon the President, by the mad cabal of zealots, the people have protested.

You may discard their warning in mockery; you may, in spite, remove the generals they endorse and love; you may persevere in your radical and destructive work; you may for a few weeks more, press your doctrine that the *States* are in rebellion, and therefore have committed *felo de se*, and are to be stricken from the roll of the Union; you may strive to legislate down the Constitution; but your days are numbered! I see the death sweat on your brow! In these resolutions, in the indemnity bill passed the other day, and in the crazed speculations of my colleague, which still linger from the past session and in the bill of the member from Pennsylvania for a hundred thousand black soldiers, I hear the death-rattle in your throats. You will pass away; and you will only be remembered to point a political moral, and to teach, as Robespierre and his radical times teach us, that anarchs and destructives have their uses in the political world, as the hurricane and pestilence in the physical world. The very attempt to foil the popular will, you are now making, will make your condemnation more terrible. There is something insurrectionary, says Arnold, the historian, in the attempt to restrain the popular will. Had you and the Executive bowed to the popular verdict, as in England, under a less liberal system, the rulers ever do, posterity might have embalmed you to a little immortality for that act of grace. But no! this thunder tone of dissatisfaction with your conduct, is seized upon and avowed by some here in my presence, as the very reason why, now, in the brief time of your power, you should enact further mischief.

You had, and would yet have the whole conservative force in a war to overthrow the organization of the Southern Confederacy. You were not content with that. We were united on that, but you were determined to divide the North. By culpable and treacherous divergence from the plain path marked out by the Crittenden resolution, you are determined to make this a war against populations, against civilized usage, to overthrow State institutions and blot out State boundaries, and by defiance of the organic law, to defeat the cause of the nation, by making the old Union impossible.

But mark! you will not succeed. The army itself will never consent to degrade itself by becoming superior to the civil power. You cannot use it to break through the sacred barriers which protect the Constitution. Nor will the people ever consent to give to proclamations the force of law; for even in England that has been held to be a surrender of the liberty of the nation to usurpation. The people are informed of those traditional privileges which were secured by their ancesters. Beginning even before Magna Charta, written in the "Apologies," and Bills of Right of the Anglo Saxon race, enacted thirty-two times from Runneymede until the Declaration of Right in 1688, they are yet pre-

served in the fundamental law of this country. At the recent election the people asked, as Wentworth once questioned a certain dispensing power in England: "whether there be any council that can make, add to, or diminish from the laws of this realm?" They ask now in this our House of Commons, as they will ask more proudly in the next, whether the spirit yet lives which resisted ship money, the dispensing power of the Stuarts, and arbitrary imprisonment, and which demanded trial upon accusation and by a jury whenever the subject was seized by the sovereign. They know that there is no compensation for yielding these rights of personal security, without which all other rights are useless. This is a part of the meaning of the elections; and whether in your evanescent power, you regard it or not, the people are upon the throne again, and woe to him who passes beyond the limits marked by the still swelling tide of an indignant and aroused people.

But, is it asked: "Do you want the war to stop in order to divide the Union?" The people have answered as Seymour answered as I answer you here: No! But they want the war carried on, as all civilized wars are carried on, and with a view to peace and union, and not with a view to the aggravation and prolongation of hostilities. I affirm on the best human and divine authority, that all objects of human effort, even war, should contribute to human happiness and peace. If this war have any other object, then it is abhorred of God and man; and every dollar and life sacrificed would be criminal waste.

Am I answered that this war is an exception to other wars? If so, why? Because it was begun in rebellion? Let Vattel, in his xviii chapter, of his III book, answer! His answer meets the very case. He stands above our stormful passions and gives the law of wisdom for our guidance. In that chapter he maintains these propositions:

1st. That a soverign is bound to observe the common laws of war towards his rebellious subjects who have openly taken up arms against him. He derives this rule from the relations the sovereign bears towards his subjects. Having derived his right to rule from them, he is to watch over their welfare. But what if his subjects take up arms to to deprive him of the supreme authority? Then, if the evil spreads so as to infect the majority of the people of a city or province, and gains such strength that even the sovereign is no longer obeyed, it becomes an insurrection. His conduct towards the insurgents should be consonant to justice and salutary to the State. Vattel declares that subjects who rise against the sovereign deserve severe punishment, yet even in this case, on account of the number of the delinquents, he holds that clemency becomes a duty in the sovereign. Shall he depopulate a city, or desolate a province in order to punish her rebellion? Any punishment, however just in itself, which embraces too great a number of persons, becomes an act of downright cruelty. He illustrates these doctrines by refering to Henry the Great of France, who gained a nation by his clemency, and to the Duke of Alva, who lost the United Provinces to the Emperor of Spain by his cruelty. The time will come for the President to exhibit the magnanimity of the one or the inhumanity of the other.

Again; I beg the House to listen to the wisdom of this great publicist, who holds, as he would doubtless have held with us of the last Congress who attempted by seasonable concession to avert this war, "That the safest, and at the same time the most just, method of appeasing sedition is to give the people satisfaction. And if there exists no reason to justify the insurrection, (a circumstance which perhaps rarely happens,) even in such a case it becomes necessary to grant an amnesty where the offenders are numerous." But, as if this rebellion was before his mind, he selects the case of a republic, divided into two opposite parts, and where both parts are in arms. This he calls a civil war. "The sovereign," he says, "never fails to call those in insurrection *rebels;* but when the rebels have acquired sufficient strength to give the sovereign effectual opposition and to oblige him to carry on the war against them according to the established rules, he must submit, necessarily, to the term civil war. In this case there is no common judge between the two parties. They are thenceforward two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority, they are not the less divided in fact. But who shall judge them? On earth they have no common superior. They stand, therefore, in precisely the same predicament as two nations, who engage in a contest."

2d. This being the case, the common laws of war, the maxims of humanity, moderation, and honor, are to be observed. For a stronger reason, he says, ought such laws to be observed by two incensed parties, lacerating their common country. Indeed, the very instance which Vattel gives, of the soverign hanging his prisoners as rebels, has already occurred with us in Missouri, and we are threatened, as he anticipates, with reprisals and retaliation, which we have no power to resist. But for these laws, the war would thus become every day more cruel, horrible, and destructive. What then is the conclusion at which he arrives?

3d. Whenever a numerous body of men think they have a right to resist the sovereign and feel themselves in a condition to appeal to the sword, there ought to be left open the same means as between two nations for preventing the war being carried to outrageous extremities, and for the restoration of PEACE.

If these maxims of the great jurist, be the voice of reason, conscience, and the civilized world, this Government is under the necessity to practice moderation, justice, and clemency, toward the insurgency. We have no right, as Mr. Seward thought in February, to inaugurate any system of emancipation which will lead to the atrocities and inhumanities of slave insurrection. Such a course as Mr. Seward held, will only, "reinvigorate the rebellion." In such a contest, there is not an attribute of the Almighty which can take sides with us. As well fire the hospitals of the sick, and the libraries of the learned; as well pillage the homes of the widow and the heritage of the orphan; as well refuse the flag of truce or the exchange of prisoners; as well fire upon the former and hang the latter; as well poison the weapons of war or the wells of water; as well refuse the offices appointed by necessity to soften the rough usages of war, as to inspire or set on foot a system leading to servile massacre. Nay, by the same reason, that we would leave off these horrible means which intensify sectional hate, and reinvigorate rebellion, we must leave open the same means which two nations at war ever have, for the restoration of peace.

Mr. CONWAY. I would like, just here, to ask a question of the gentleman from Ohio.

Mr. COX. In one moment, sir, I will be glad to answer you.

Now I inquire first, into the reason of these maxims; secondly, into the means which are open to belligerent nations; and what, if any means are open to this nation, for the restoration of peace.

First. The maxims quoted spring from the desirableness of ending hostilities. As in war, no one can enjoy quietly his rights, in peace he has that privilege; and if controverted—he can rationally discuss them with a view to the remedy. Peace is the natural and best state of man. All agree to that. Under its protection, and through its amenities, that intercourse is secured which is most beneficial, economically and socially, and which tends to the highest advancement of man. Passion produces war; reason keeps and restores peace. It is the bounden duty of the government to seek peace with the people. The beatitudes are promised to the peace-maker. God smiles on him, and gives him a double blessedness in this life and in the life to come. Poets may sing the glories of heroic achievement.

> "But like a bell with solemn sweet vibrations
> I hear the voice of Christ say—Peace."

If it were now possible, that the French Emperor, without entrenching upon our prerogative as a proud and independent State, could succeed in restoring, by his friendly mediation, the government and the Union as it was ten years ago, when his *coup d' etat*, seemed to destroy the hopes of Republican France, and to become the peace-maker, and "Union saver" of this distracted land, the beauty of the act would whiten his whole life, and even make mankind forget the fatal 2d of December, 1852. He would deserve the eulogy of the great writer to whom I have referred; and become greater at that moment than in the midst of his most splendid conquests in the Crimea and in Italy, which he is about to illustrate in bronze upon a new Arch of Triumph in his capital! So desirable is the return of peace; so divine the office of peace-maker, that mankind will join with Vattel in picturing Augustus, shutting the temple of Janus, and giving peace to the Universe, and adjusting the disputes of kings and nations—as the greatest of mortals, and as it were, a God upon earth!

Second. What are the means left open to belligerents by the laws of civil war? I do not speak now of a condition of things not yet apparent in this country, when one of the parties is reduced by war to sue for peace; or, where both are weary of the war, and thoughts of accommodation are entertained, and peace steps in and puts a period to the war. I assume now a condition of things in which, upon our part, (as we voted the other day our resources are greater than ever, and our spirit is yet unflagging; and, on the other part, that the resources of the rebellion are yet for a time sufficient to harass and withstand the Federal authority in a large part of the immense area to be rescued from the rebellion. I speak now of a condition, in which an armed force of over 700,000 men are upon our side and 400,000 on the other; the one having the advantage

of resources, and the other the advantage of being near their own homes; and when the spirit of each is but little less than it was one year ago. I speak also upon the hope and hypothesis that the influence of the late elections will greatly abate the apprehensions and mitigate the aversion of the mass of the Southern people against the North; and that a less revengeful spirit, developed in these elections, prevails at the North. Thus circumstanced, and even while we omit no martial or naval exertion on behalf of the Government, where is the initiative for peace? I assume that it is not necessary that the war should stop to prepare for peace. The late war went on with Great Britain and battles were fought even while our commissioners were at Ghent, and after peace was celebrated. An armistic is not an indispensable preliminary to negotiation. In the propositions which I submitted more than one year ago to this House, I proposed to increase the armament of army and navy, even while I would have sent commissioners from the loyal States to the disloyal; not to recognize or treat with the Confederate government, but to meet commissioners from the States South, which are still and ever a legal and indestructible entity, and with whom alone we could then have conferred. Neither is it indispensable to the beginning of negotiations, that the executives at Washington and Richmond should confer.

Although publicists have held that the same power which has the right to make war and direct its operations, has naturally that likewise of a concluding peace; yet by our system of government, it would be impossible for our Executive, notwithstanding the maxim I have quoted, to begin negotiations or conclude them, by treating with the Confederate government at Richmond. Neither has the President of the United States any power to declare war, or conclude peace. He could not, if he would; he dare not if he could, make a treaty of peace, which would alienate an acre of our territory or release State or a citizen from the obligation due to the Federal Government. However disadvantageous war may be, yet there is no authority to conclude a peace, except in pursuance of the Constitution. It has been held that a sovereign, when the State is reduced to any calamitous exigency, may determine by what sacrifices he will purchase peace; but in this country, where the written Constitution is the guide of duty, there can be no exigency which would authorize a breach of that fundamental law, upon which repose all our interests. Better had the President suffer the tortures of Regulus, than usurp a power to make a peace, not in accordance with the Constitution and the integrity and indivisibility of the Republic. From no quarter and by no election, has there been any expression, which looks to a peace based on the separation of this country into two nations. No mediation or intervention from any foreign power, based upon such a suggestion, would be tolorated for a moment. If Europe intervened for such a purpose the war would become continental. Any mediation or intervention would be spurned, which would obstruct the relation of the Union—either by embarrassing our arms or our negotiations.

But, are we to be shut off in the future from all hope of stopping the effusion of blood? If the South would be content with the Constitution faithfully administered, as they have shown by adopting it as the basis of their own establishment; and if they only are aggrieved by alleged and apprehended infractions of it, to the detriment of their local systems—why may we not hereafter come together, upon that Constitution as the basis of an amicable adjustment, and by such an amendment of it, made in pursuance of its own provisions, as will assure to the South perfect immunity from unjust intermeddling with their local rights, reëstablish the Government, while we reintegrate its territory? The difficulty is in making the advance to an accommodation, as such an advance would be imputed to weakness. Moreover, the war may be persisted in from ambition, pride, and animosity; or, from a desire to exterminate slavery; and these may be obstacles to be surmounted. If such be our condition, then we have this rule laid down for us by Vattel, that "on such occasions, some common friends of the parties should effectually interpose by offering themselves as mediators." It is the office of beneficence; and it is held to be the indispensable duty of those who have the means of performing it with success." Such a mediation derogates nothing from that Constitution *ab intra*—that perfect autonomy of the State, which is by all public law and by the divine order, guarantied to every independent nation.

This brings me to the third resolution of the gentleman from Pennsylvania, denouncing all mediation and intervention from abroad. The Monroe doctrine never had a stronger reason than now for its enforcement. Intervention in our affairs can never be allowed. It is a vague term, and has had a variety of interpretations by the selfish and ambitious powers of Europe, struggling to fix the balance of power. Its opposite is the established principle of the law of nations. *Non* intervention is drawn from the essential sovereignty of every nation, great and small. Intervention is the exception, and is only justified as an extreme measure—1st, when it is demanded by self-preservation; and, 2d, when some extraordinary state of things is brought about by the crime of the Government.—(Woolsey's *International Law*, p. 91.) History is full of illustrations, running

from ancient Greece to modern Italy, of these doctrines. But neither of these rules can be applied by Europe to this country. There can never be any application of them to this Government, which is not in violation of our sovereign rights upon this continent; and which, if we had the power, we would not resist by our arms. Intervention comes armed. It takes sides. It has ambitious designs. It is against our interest, tradition, history and feeling. But mediation is ostensibly friendly and inoffensive. We should guard against the most silken inveiglement by France or any European power; but there is nothing apparent in the note of Drouyn de L'Huys tendering a mediation, which indicates any ambitious or unkind intermeddling.

In the note of the Minister of October 30, there is nothing which looks like a mediation for a peace at the expense of the Union. Any "pressure" upon us is expressly repudiated; and the mediation is only tendered to smooth obstacles, in case of a wish, on our part, for such mediation. In the text of Drouyn de L'Huy's note, the Emperor bases his overture on the painful interest with which Europe has regarded our great calamity and prodigious effusion of blood. This interest may be quickened by the idle looms of Lyons and the lessened market for French wines. The mission proposed is one which, as France feels and states, international law assigns to neutrals. It is only intended to "encourage public opinion to views of conciliation." In this tender, a scrupulous delicacy is observed against offending our national susceptibility against intervention. The constant tradition of French policy toward this country is appealed to with apparent sincerity.

We cannot be insensible to such advances. But a specter stands in the way to scare us from its consideration—France in Mexico! Sixty thousand Chasseurs de Vincennes, Voltigeurs de la garde, and Chasseurs d'Afrique! What are they doing there? Has a Bonaparte,—the author of the *coup d'etat*,—the Emperor of that nation, which fought in the Crimea and Italy, become scrupulous of shedding blood? If so, why do his legions throng toward the capital of Mexico to "regulate" a hostile people? Can humanity inspire this project of mediation in our affairs?

I prefer to think, knowing the difference between Mexico and this country, that his policy in Mexico is not intended to be hostile to us, as against the South; for nothing can be more unfavorable to the dreams of Davis and his confederates than the establishment of a European dynasty on their border. Besides, France has ever been our ally. For great reasons of State and, as an essential element of the equilibrium of the world, she helped us to establish Independence. Her blood mingled with ours to acquire it. Louisiana came from her hand to enlarge our domain. No interest in silk, wines and cotton, no design in Mexico, ought to enter into her plans of mediation. Besides, if she meditates, by mediation, the Union of these States, she may quadruple her Chasseurs in Mexico and her ensign may float from every castle in that ill starred land; but our Union, if restored, would exert its first energy in re-establishing the continental policy of Monroe, and all her plans in Mexico would fail. Therefore, from the text of the French note, and its explanation since by the Secretary of the French Minister, and being confirmed in the belief that, under the "armistice, France would have lent her aid to a restoration of the Union"—I do not augur any present armed intervention or sinister motives in her tender of mediation. Still the best foresight may fail in sounding the designs of the wonderful man who now occupies St. Cloud. Our safety from all intervention lies—not merely in our iron clad navy; not in our voluminous diplomacy—but in the determination of the people to throw off this load of rebellion. If the capacity of our rulers, in the conduct of our affairs, was shown to be equal to the task of regaining the Federal supremacy at home, we should not be menaced by European patronage and meddling. If we are divided by radical counsels, and, if we incite the servile race to atrocious insurrections, our revenues will be wasted, our Government broken and England will laugh at our calamities, and Europe will intervene for our everlasting degradation.

The friendly offices of France may, after our arms shall have had more decisive success and our elections have permeated the Southern mind, with a kindlier feeling, be of great use, in forwarding the only true object of the war, which is peace and Union.

It is an insult to History, to expect that war alone will unite us. Force may subdue the rebellion; but other means must reconcile the people North and South. Interchange of commodities and mutual courtesies, will not do it; for separate nations, like France and England, have these and yet would forever remain distinct and hostile. Consanguinity alone will not do it. Many races, as the Gauls, Romans, Franks and Burgundians constitute France, and have become nationalized into one, without the ties of kindred. Language alone will not do it; for Great Britain is one, though the people sing with Llewellyn in Welsh, and Burns in Scotch, and Shakespeare in English. The unity of a State by the principle of nationality, results from the unforced and spontaneous union of inclinations among a people. "And Hamor and Shechain his son, communed with the men of the city, saying: These men are peaceable with us, therefore, let them dwell in the land and trade therein; for the land, behold, it is large enough for them;

let us take their daughters to us for wives, and let us give them our daughters; only herein will the men consent unto us to dwell with us, to be ONE PEOPLE."

A movement looking to this consenting of the affections, will restore the Union. The Eagle must use the Dove. The Sword must be garlanded with the olive. The bayonet alone, said Mirabeau, will only establish the peace of Terror—the silence of Despotism.

I do not believe that France means hostility to us in her tender of mediation. From my observation I believe that she is now, as she was in the days of Rochambeau and Lafayette, desirous of seeing our Union perfected. She loves England little. Waterloo is not a myth, nor has Time bleached out its red memories. Our growing naval power is not pleasing to England; but it is not obnoxious to France, which has ever been jealous and fearful of English supremacy on the sea. England refuses to join in the tender of mediation for the very reason that she winked at the "Alabama" when she cleared the Mersey, and now permits a thousand hammers to rivet the iron mail upon a score of Confederate steamers. England, whose philanthrophy is in a cotton pod, refused the tender of France because she does not care to see this Democratic Republic as a standing menace to aristocracy, and ever rivalling her upon the ocean. England does not wish to mediate, for she fears that if united we might be less tolerant of her bravado. She now smiles with satisfaction over the transfer of commerce from American to English bottoms, owing to the increase of marine insurance, created by her own breaches of neutrality. France may with England have some selfish reasons for wishing us at peace. But France prefers that we should have peace and the Union; England prefers peace and a separation. The one is a friend, the other an enemy.

In one way and in one way only, could meditation be effective, by bringing together commissioners North and South, not to arrange treaty of peace, not to agree upon a compromise; but to inaugurate IN THE STATES—in the States which are constituent elements of our Confederation, the original fountain of power from which the Constitution derived its vitality—a movement looking to a national convention, where in conformity with the requirements of our Constitution, there could be found our common judge on earth, the sovereign people of the again United States! I do not now undertake to say in detail, what such a Convention ought to do. It ought to compose all our troubles in the spirit of amity; and, unless we have degenerated beyond all former generations, it ought to evoke the spirit of 1787, and weave and plait anew, that bond of Union, strong as the mighty interests of this nation, which are to be imbound by it forever. In such a convention of States, rigid justice might not be meted out to either party. Neither party would be condemned to humiliating sacrifices, inconsistent with the future dignity and equality of the States. All losses could not be reimbursed; for who could call again to life the thousands slain in the unhappy strife?

But, in the spirit of Christian brotherhood, all might be arranged, the Union be started again upon a career of progress under the old flag and with a new hope, amidst the shouts of a free and peaceful people and all the States, side by side, like the majesties of Olympus, commune kindly through all the ages of history—

> "Self reverent each, and reverencing each,
> Distinct in individuality,
> But like each other, even as those who love."

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